

BEFORE THE PERSONNEL APPEALS BOARD

STATE OF WASHINGTON

JAMES JACOBSON,)	
)	
Appellant,)	Case No. ALLO-99-0004
)	
v.)	ORDER OF THE BOARD FOLLOWING
)	HEARING ON EXCEPTIONS TO THE
DEPARTMENT OF ECOLOGY,)	DETERMINATIONS OF THE DIRECTOR
)	
Respondent.)	
)	
)	

Hearing on Exceptions. Pursuant to RCW 41.64.060 and WAC 358-01-040, this appeal came on for hearing before the Personnel Appeals Board, GERALD L. MORGEN, Vice Chair, on Appellant's exceptions to the Director's determination dated February 19, 1999. The hearing was held on March 22, 2000, at the Airport Ramada Inn in Spokane, Washington. LEANA D. LAMB, Member, reviewed the record, including the file, exhibits, and the entire taped proceedings and participated in the decision in the matter. WALTER T. HUBBARD, Chair, did not participate in the hearing or in the decision in this matter.

Appearances. Appellant James Jacobson was present and was represented by Tom Watson, Area Representative for the Washington Federation of State Employees. Respondent Department of Ecology was represented by Allen Jacobs, Employee Services.

Background. On June 3, 1997, Appellant submitted a classification questionnaire to Respondent's Employee Services Department requesting that his position as an Environmental Specialist 3 be reallocated to the Environmental Specialist 4 classification. By memo dated August 27, 1997, Martha Tennis, Personnel Officer, denied Appellant's request for reallocation. Appellant appealed the decision to the Department of Personnel. On February 4, 1999, Mary Ann Parsons, Personnel Hearings Officer for the Department of

1 Personnel (DOP), conducted an allocation review. By letter dated February 19, 1999, Ms. Parsons informed
2 Appellant that his position was properly allocated to the Environmental Specialist 3 classification. On March
3 9, 1999, Appellant filed exceptions to the Director's determination with the Personnel Appeals Board.
4 Appellant's exceptions are the subject of these proceedings.

5
6 **Summary of Appellant's Argument.** Appellant disagrees with DOP's determination that his position is
7 properly allocated to the Environmental Specialist 3 classification. Appellant contends that Respondent
8 erred when it determined that he had to have written designation in order to be allocated to the ES 4
9 classification. Appellant argues that his CQ reflects that he is performing the duties of an ES 4 and that he
10 acts as a section expert. Appellant asserts that prior PAB decisions do not require a written designation
11 whenever the duties of the higher level position are being performed by an employee. Appellant further
12 argues that his CQ indicates that he performs the duties and responsibilities of an ES 4 but that the agency
13 did not give him written designation due to budgetary concerns.

14
15 Appellant contends that the expertise with which he performs his duties and responsibilities is a crucial issue
16 and that his expertise qualifies him as a section expert. Appellant contends that DOP recognizes that there is
17 confusion between what constitutes an ES 3 versus an ES 4. Appellant indicates that he provided training
18 and mentoring to junior staff as reflected in his CQ. Appellant asserts that Ms. Parsons failed to make a
19 determination as to whom, if anyone, was the section expert. Appellant argues that others were performing
20 the same work he was performing but were at the ES 4 level even though they were not designated as
21 experts.

22
23 **Summary of Respondent's Argument.** Respondent contends that a CQ does not designate a position as an
24 expert. Respondent argues that Appellant's supervisor disagreed with Appellant's statements in the CQ and
25 that Appellant did not have the necessary written designation from a manager as required by the ES 4 job
26 specification. Respondent contends that the ES 4 requires the incumbent to train junior staff on a regular

1 basis and that Appellant trained junior staff only on a limited basis. Respondent contends that based on the
2 majority of Appellant's duties, Appellant is properly allocated to the ES 3 classification.

3
4 **Primary Issue.** Whether the Director's determination that Appellant's position is properly allocated to the
5 Environmental Specialist 3 classification should be affirmed.

6
7 **Relevant Classifications.** Environmental Specialist 3, class code 62970, and Environmental Specialist 4,
8 class code 62980.

9
10 **Decision of the Board.** The purpose of a position review is to determine which classification best describes
11 the overall duties and responsibilities of a position. A position review is neither a measurement of the
12 volume of work performed nor an evaluation of the expertise with which that work is performed. Also, a
13 position review is not a comparison of work performed by employees in similar positions. A position review
14 is a comparison of the duties and responsibilities of a particular position to the available classification
15 specifications. This review results in a determination of the class which best describes the overall duties and
16 responsibilities of the position. Liddle-Stamper v. Washington State University, PAB Case No. 3722-A2
17 (1994).

18
19 The definition for the ES 4 specification indicates that the incumbent serves as a senior staff environmentalist
20 who independently acts as a section expert in one or more section subject areas as designated in writing by a
21 program manager, assistant secretary, equivalent or higher. A section expert is assigned projects that are a
22 high priority for the program; trains and mentors junior staff; and may serve as a section historical resource
23 or testify as to historical interpretations of laws and regulations at legal or public hearings; or manages all the
24 environmental regulatory and analyses functions of an agency.

1 Typical work for an ES 4 includes undertaking responsibility for more complex and difficult projects and
2 permits; receiving assignments for multiple regulatory responsibility; directing or coordinating non-agency
3 employees at large spills or complex sites; serving as the project manager and coordinator on complex
4 projects; and project administration and environmental technical assistance on high priority environmental
5 issues requiring technical expertise.

6
7 Appellant's CQ does not indicate that he trains and mentors junior staff; that he is assigned projects that are a
8 high priority for the program; or that he serves as a section historical resource or testifies as to historical
9 interpretation of laws and regulations at hearings; or that he manages all the environmental regulatory and
10 analyses functions of an agency. Therefore, Appellant does not function as a section expert.

11
12 The definition for the Environmental Specialist 3 specification states the incumbent serves as "a staff
13 environmental specialist performing one or more of the following functions independently with little
14 direction and supervision: compliance and enforcement; development of draft legislation; develops,
15 performs, coordinates, implements and evaluates scientific analyses, plans or services involving office field
16 projects; conducts surveys, analyses and records field conditions; project administration and environmental
17 technical assistance for grants/contracts/loans; gathers and analyzes information to develop recommendations
18 and make decisions; permit development, review and/or oversight. May lead assigned staff."

19
20 As described in Appellant's classification questionnaire, Appellant is responsible for a Water Quality
21 Management area, however, his responsibility and expertise are limited to non-point water quality activities
22 and are not section wide. The primary focus of Appellant's duties and responsibilities include managing
23 grant and loan agreements, providing technical assistance and compliance, acting as a key contact for
24 watershed planning and coordination efforts, acting as the principal contact for water quality investigations,
25 compliance activities and enforcement actions. These duties are encompassed by the ES 3 classification.

1 Position allocations are “based upon an investigation of duties and responsibilities assigned and/or perform
2 and other information and recommendations.” (WAC 356-20-200). Because a current and accurate
3 description of a position’s duties and responsibilities is documented in an approved classification
4 questionnaire, the classification questionnaire becomes the basis for allocation of a position. An allocation
5 determination must be based on the overall duties and responsibilities, as document in the CQ.

6
7 Based on the overall duties and level of responsibilities described in Appellant’s CQ, his position is properly
8 allocated to the ES 3 classification and the Director’s designee should be affirmed.

9
10 **Conclusion.** The appeal on exceptions by Appellant should be denied and the Director’s determination dated
11 February 19, 1999, should be affirmed and adopted.

12
13 **ORDER**

14 NOW, THEREFORE, IT IS HEREBY ORDERED that the appeal on exceptions by Appellant is denied and
15 the Director’s determination dated February 19, 1999, is affirmed and adopted. A copy is attached.

16 DATED this _____ day of _____, 2000.

17
18 WASHINGTON STATE PERSONNEL APPEALS BOARD

19
20 _____
Gerald L. Morgen, Vice Chair

21
22 _____
Leana D. Lamb, Member

23
24
25
26
Personnel Appeals Board
2828 Capitol Boulevard
Olympia, Washington 98504